

United States Court of Appeals
For the First Circuit
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CA: 97-245
J. Perez-Gimenez

No. 05-1198

PETITION

ANGEL CHEVERE-GONZALEZ,

Petitioner,

v.

UNITED STATES,

Respondent.

Before

Boudin, Chief Judge,
Torruella and Howard, Circuit Judges.

JUDGMENT

Entered: July 7, 2005

The application for leave to file a second or successive motion under 28 U.S.C. § 2255 is denied without prejudice, given petitioner's failure to satisfy either of the gatekeeping provisions in § 2255 ¶ 8. To the extent this filing can be viewed as a motion to amend petitioner's COA application in order to add new claims that were not advanced below, the motion is denied. See, e.g., David v. United States, 134 F.3d 470, 474 (1st Cir. 1998) (declining to consider arguments "not seasonably raise[d] in the district court"). In so ruling, we intimate no view as to the proper disposition of that COA application, which remains pending in this court.

So ordered.

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FIRST CIRCUIT COURT OF APPEALS
BOSTON, MA

By: [Signature] Date: 7-7-05

By the Court:

Richard Cushing Donovan, Clerk.

MARGARET CARTER

By: _____
Chief Deputy Clerk.

[Cert. cc: Hon. Juan M. Perez-Gimenez and Frances Rios de Moran, Clerk, U.S.D.C. of Puerto Rico, cc: Messrs: Chevere-Gonzalez and Perez-Sosa]

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